River valley, Caticugan's paddies looked the best. There is little doubt in my mind that the rice yield per acre for Siaton municipality in 1952, as estimated by the local agricultural agent, was too liberal. For example, the average rice yield in 1952 for the southern municipalities of Negros (Valencia to Tolong) was 774 pounds per acre.[34]

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According to Siaton's municipal land records, 122 acres of land are planted with lowland rice in Caticugan. This acreage is owned by 136 different individuals of whom 49 per cent live in Caticugan. Of the remaining owners 16 per cent live in Siaton poblacion, 10 per cent in Mantuyop, 8 per cent in Sandolot, and 6 per cent in Datag with several owners living in Inalad, Salag, and Maloh. More than half of the owners of ricefields in Caticugan do not live in the barrio, although they cannot be called absentee landlords in the strict sense. Many of these owners cultivate fields in Caticugan, bringing their plants from seed beds in their barrios.

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While the records indicate that the 122 acres of paddy in Caticugan are owned by 136 different individuals, the actual number of owners is much larger. Many a paddy is owned jointly by brothers and sisters. Sometimes the land records indicate this fact by stating that

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[34] These figures were obtained from an unpublished report of the Provincial Agricultural Office, Dumaguete, Negros Oriental, 1952.

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the land is owned by the person listed and his or her "heirs" or "brothers." For example, one paddy in Caticugan, inherited on the death of a parent, is owned jointly by seven brothers and sisters. The land records often do not indicate these facts of ownership because the land continues to be registered under the name of an owner dead many years. Heirs often fail to change the land registration records at the municipio due to the small fee charged for the service.

Of the individuals interviewed during the survey in Caticugan, 50 per cent owned their ricefields, 37 per cent were tenants and 13 per cent owned some paddy and tilled others as tenants. In Sandolot-Datag area, of the thirty-one families interviewed, 74 per cent owned their ~~paddies while 26 per~~ cent were tenants. In order to obtain as wide a sample as possible, I did not request these families to give data on all of the ricefields they cultivated, but obtained figures for just one paddy. Therefore, some owners may have been also cultivating paddies as tenants. Three of the tenants in Caticugan were farming paddies owned by either a wife's brother or mother; another worked a paddy owned by a mother's brother. In Sandolot-Datag three tenants had as landlords a sister's husband, father's brother, and a third cousin, respectively.[35]

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[35] A recent survey of thirteen barrios states that 31 per cent of the landlords of tenants were related by blood or marriage to their renters. Rivera and McMillan, op. cit., p. 43.

reason little corn is planted here and that which is sowed does not grow well. 243 312

There are no cooperative efforts to maintain the canals. Each farmer cares for the canals which run by or through his paddy. The distribution of the water is done without rancor because there is sufficient water for all. During my residence some older men in Barrio Caticugan talked about digging a new canal to irrigate more land. The owner of the spring that the proposed canal was to tap, however, requested ten gantas of shelled corn annually from every farmer through whose field the canal would pass. This price was considered excessive and the canal project was dropped. There was also talk about purchasing a second-hand pump to bring water from the Siaton River to Barrio Caticugan's fields. The largest landowner in Barrio Caticugan had the capital to purchase the pump but the project had not passed the discussion stage in 1953.[36] [423 427]

By irrigating some of their paddies the barriofolk can plant corn without waiting for the southwest monsoon. In 1951 the first irrigated paddy corn in Caticugan was planted in March, continuing into April. The sowing occurred immediately after the rice harvest so these 243

[36] In 1952 the Mutual Security Agency allocated three million dollars for the purchase of irrigation pumps in the Philippines. James A. Storer, "Philippine Economic Progress," Far Eastern Survey, XXII, No. 8, (July, 1953) pp. 91-2. Ortigas states that both the Canaway and Sacsac rivers in Siaton were under consideration as possible irrigation sources. Ortigas, op. cit., p. 140.

palm's sap started to flow April 14 and stopped June 22. The gross income of the owner was $54 of which $12 was spent for tan-bark, leaving a net profit of $42. The money from guhang sales, deposited in a "bamboo bank" (a pole of the house wall), was not counted until the buri died so the figures are probably accurate.

The price of a mature buri in Siaton ranges from $10 to $25. In the municipal tax records buri owners are assessed one dollar for each palm. If the mananguete is not the tree's owner, profits are divided in several ways. Sometimes the profits are split 50-50 after the owner has deducted what he considers the buri's value. In another case the mananguete received one-fourth of the profits plus all the free guhang his family could consume. The money from the sale of guhang from this buri was deposited in a bamboo bank kept in the palm. The owner said he did not want to keep the cash in his near-by dwelling "because I might be tempted to gamble with it."

The buri's value is also reflected in the number of disputes that often result concerning its ownership and use. Three court cases occurred during my residence concerning the illegal use of another person's buri. In one case the defendant was accused by the plaintiff of illegally using two of his buris to make guhang and asked $100 damage. There are many quarrels over buri palms that do not reach the local court. An example of such a quarrel that happened in Naga is given on the next page.

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One time Ingoy [informant's first cousin] came to my place and started to make guhang from my buri. I was gathering coconuts for a Chinese in the poblacion. My wife and children were left alone in the house. My children were playing in the space under the house. Suddenly Lucia [informant's wife] heard buri palm leaves falling and she shouted to the children not to go near the tree. But Ingoy was in the tree and he answered: 'I'm the one here cutting leaves. What do you want? Where is your husband? I want to fight him because I want to go to San Ramon [penal colony in Mindanao].' So my wife immediately got me and I came home but he was gone. For three or four days I stayed in the house but Ingoy did not return to the buri.

One day he passed near my house carrying a sack of corn to be ground. I called him: 'You come here.' Ingoy said: 'Why?' I said: 'I want to talk with you.' He said: 'You come here if you want to talk to me.' So I went to him and asked him: 'Are you the one who cut my buri?' Ingoy said: 'Yes. I did it.' I said: 'Is it true you said you wanted to fight with me and go to San Ramon?' Ingoy said: 'Yes. It is true.' So I hit him three times. But he did not try to fight back. Nicara was weaving in a house near-by and she laughed. Ingoy's sister who saw us fighting cried: 'Please do not kill Ingoy.' [Informant imitated female voice of Ingoy's sister.] So Ingoy went on his way and his wife was crying but he left my buri alone.

Ingoy complained to the barrio lieutenant. He told him that I and my children ganged up on him. But I said I have witnesses and if he wanted to bring the matter to the court I was willing. But he never did. It was Ingoy's wife who brought Ingoy back to his house because after this quarrel he did not go home directly. I told Ingoy: 'It is not like before when I was small and whatever you and my relatives said I had to follow blindly. Now I have to take care of what is my own. Our parents usually quarreled and now that our parents are dead, their children will be the ones to quarrel.

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If the flow of the sap decreases or stops there are various remedies for the situation. A gash may be cut in the side of the palm's trunk at its base and a small fire built near the incision. The sap may resume its flow but the fire gives it a smoky taste. Others repeat the lihi previously described each day adding the fluid from the bottle until

20: Hart E-5 (1951) 1954 OA1 Philippines
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CHAPTER V

INHERITANCE, TENANCY AND CREDIT

INTRODUCTION

Land is almost synonymous with life in Caticugan. 423. Without their paddies and cornfields, owned or rented, the barriofolk are dispossessed people. In Caticugan there are very few ways to live without farming. From the fields comes most of the food. When harvests are poor, many must search for wild roots. The land furnishes relative independence and security; they are limited, however, by such variable factors as climate, weddings, pests and death. Land gives the individual family solidarity, a cohesiveness that binds them into a functioning unit. Yet land disputes are perhaps a major source of conflict in the community, and often rend the strong web of kinship.

Land gives the people a meager promise of a better future--"maybe the crops will be better next year." Land brings prestige, in the barrio, a position in the community that few other possessions can achieve. Land gives the people a sense of belonging to their community, a connection with the past and their forebearers, a link with the future through their children. Through the harvest ceremonies the souls of one's parents may be honored and

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remembered. Land is the barriofolk's bank. It offers greater security than any other investment. Before the people there was the land and after the people there will be land. While fire, storm, flood and war may destroy other possessions, land is the most indestructible. Without land most barriofolk could live in the community only as dependents of their family or relatives--a situation more accepted than encouraged. Few writers describe the land with such warm sentimentality and endearment as do Filipinos.

Behold the bountiful land,
The young hills and the corn;
In the green river's womb
Children are born.

Honey's in the forest,
Blue fish in the sea;
The ash-grey of the clearings
Grown grain for me.
N. V. M. Gonzalez

Chapter IV was focused on the land use patterns and agricultural practices in Caticugan. This chapter[1] is concerned with social patterns that regulate land use in the barrio: inheritance, heirs, succession, and methods of division of real estate and movable property. The patterns of tenancy in Caticugan, and regulations that govern the relationships between tenant and landlord; different ways of borrowing and loaning money--credit arrangements--will be presented. This topic deals with some of the most sensitive and disruptive forces within Caticugan.

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[1] [i.e. Ch. V -- Analyst]

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A brief summary of general patterns of land ownership in the Philippines will place present-day practices in Caticugan within a historical framework.[1]

Historical Summary of Land Ownership Patterns in the Philippines

A survey of the concepts of property law, or a study of inheritance rules, reflects the "total ideology of a society."[2] Many concepts of present-day Filipinos in regard to hereditary property, property acquired by personal efforts, inheritance shares and movable property reflect an ancient heritage. Among the pre-Hispanic Filipinos individual property rights existed, often more joint than individual, and, in regard to immovable property, they rested on the belief that effective use was the basis of possession.

Several types of land ownership patterns occurred among the Filipinos before the arrival of the Spaniards. Those who practiced caingin agriculture "had a temporary system of land control--all lands not cultivated being public domain, whether recently abandoned or not yet cropped."[3] These rights pertained to cultivation and

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[1]This summary is based largely on Spencer, op. cit., pp. 112-38.

[2]Robert H. Lowie, Social Organization. New York, Rinehart and Company, 1948, p. 146.

[3]Spencer, op. cit., p. 112.

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harvests rather than to the land itself, among people who practiced caingin agriculture not merely as a land use technique but as a way of life. Some groups with a more complex culture had developed the concept of private ownership of land but they lacked the embellishments of property deeds or titles.

Filipino tribal chiefs, and to a lesser extent the nobles, had special land rights regarding labor contributions or sharing in the harvest of their subjects. The freedmen, while allowed to hold land, were required to make certain contributions to the chief. In the Philippines, serfs, the next class below the freedmen, were limited tenants who usually paid part of the harvest to the chief for the privilege of cultivating the land. Slaves, the lowest class in the pre-Hispanic Filipino social hierarchy, were the personal property of tribal chiefs or freedmen and could be sold by their masters.

The Spaniards introduced into the Philippines the encomienda system of land ownership (described in Chapter III). The underlying concept was that all land belonged to the King of Spain. The granting of encomiendas in the Philippines was not halted effectively until the middle of the 17th century. "In a sense these grants made no sharp break with the past, but merely added another super-layer to the levels of social and economic strata."[4]

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[4]Spencer, op. cit., p. 114.

The Spanish administrative system established provinces, municipalities and towns with their various officials. The policy of the priests was to bring the people "under the bells" in order more effectively to supervise their administration. The pre-Hispanic districts (barangays) foreshadowed the barrios and the former local chiefs were forerunners of the barrio officials under the Spaniards. These new Spanish political arrangements placed various restrictions on the Filipinos' mobility. During the Spanish period people in Siaton could not go from one poblacion to another without a written permit from local officials; it was impossible for barriofolk to move from a "Christian barrio" to a "non-Christian barrio." As a result many caingineros were transformed into sedentary cultivators. "In effect, therefore, the concept of permanent land holdings became the dominant one, whether it referred to crop lands or to village and town residential lands."[5] The chief source of Spanish revenue in the Philippines was the cedula as previously noted. Land taxes were never a vital part of the Spanish revenue system so the issuance of land deeds and titles was not emphasized. Land titles were obtained by the wealthy or by individuals influential with the government and the Church. Barriofolk rarely received title to the land they had farmed for generations.

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[5]Spencer, op. cit., pp. 114-5.

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Land disputes appear not to have been an important source of conflict within the pre-Hispanic communities. With the innovations in the life of the barriofolk consequent upon Spanish governmental structure, and the desire of many Spaniards and Filipinos to obtain great tracts of land, the number and types of conflicts increased rapidly. The lack of an effective survey and record system intensified these land disputes. Yet land disputes were not a major reason for the rebellion of the Filipinos against their Spanish rulers since there was available plenty of vacant land.[6] Other factors were deemed more intolerable--enforced labor, head taxes, restrictions on personal mobility, required donations to the Church and the superior attitude most Spaniards took toward the "Indios."

With American control of the Philippines after the Spanish-American war the application of the system of land ownership was so ineffective that the new laws were more honored in the breach than in the observance. As a result the people who suffered the most were the ignorant barriofolk. In 1902 the United States Congress approved a land policy that was aimed at giving small parcels of land to the average farmer and preventing the development of large plantations and agricultural corporations. The

[6]One exception to this statement is that in central Luzon the usurption of land by various Church and government officials was an important factor in stirring the people to revolt.

law stated that 16 hectares (about 39 acres) would be the maximum public land sold to an individual while 1,024 hectares (about 2,530 acres) was the limit to be sold to corporations. "While this policy has been circumvented in a good many individual cases it has never been replaced or intrinsically liberalized" to the present.[7]

Today there are three methods by which Filipinos (and Americans) can obtain public lands. First, the free issue of land to an individual under a program resembling the homestead regulations in the United States. Second, purchase of public land through the Bureau of Lands. Third, obtaining a lease on a parcel of land, the charge depending on the land's appraised value. Under certain conditions these leases may be renewed every twenty-five years. The last two methods are normally beyond the economic means of the average Filipinos and only a small amount of land has been granted in these ways.

American policy in the Philippines abolished the Spanish head tax, enforced labor, restrictions upon personal movement and the requirements of the Church and officialdom. However, the tax on land, in contrast with the Spanish system, became an important source of revenue for the American administration in the Philippines. The

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[7]Spencer, op. cit., p. 117.

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tax on land is a basic tax of the Philippine Republic while tax receipts are normally recognized as proof of occupation.

> Occupation increasingly is being considered as the best legal basis for claims to land, but things do not work smoothly at all times or in all parts of the islands. Tax receipts, as proof of occupation, however, do not constitute titles or proofs of title, and do not prevent claim jumping and unscrupulous legal action to displace uninformed rural occupants.[8]

American land policy in the Philippines failed, for the most part, to accomplish its desired objectives. Many Filipinos have taken every possible opportunity to circumvent the law through bribery, technical but not moral legal means, dummy corporations (a favorite device of the Chinese) and claim jumping. American land policy never was adequately administered or enforced due to lack of funds and personnel. If the arable lands had been properly surveyed and titles issued to the barriofolk many contemporary internal disorders centering in land might have been prevented.

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[8]Spencer, op. cit., p. 119. Pelzer states that there are three major bottlenecks to improvement of the Philippine land problem: (1) lack of land classification, (2) lack of land subdivision, and (3) lack of roads--problems that have been recognized by both the MSA (now Foreign Operations Agency) and the Philippine government. For those wishing a brief and recent survey of activities of the Philippine government in this field, reference is made to Karl J. Pelzer, "Rural Problems and Plans for Rural Development in the Republic of the Philippines," 28th Study Session of the International Institute of Differing Civilization, The Hague, September 7-10, 1953, 14 pages. Working paper.

loaned her the money to purchase the fields. No decision had been reached on this case during my residence. 428

If some heirs are too young to farm the land they inherit, an elder sibling or relative may cultivate the fields until the heirs marry or are capable of tilling the land. Conflicts sometimes occur from these arrangements. In Barrio Canaway the parents of several small children died; their uncle (FaBr) cared for them and farmed their parents' fields. Later some of the children married and the unmarried children moved from their uncle's house to live with their brothers. They began to farm their parents' fields but the uncle refused to part with two parcels of land. He claimed one field as payment for the care he had given his nieces and nephews, and that the other field had been sold to him by their deceased parents when the children were young. The heirs claimed that their uncle had no legal documents to show for this alleged sale and that his family had lived off the harvests--which was full payment for their care. Their case was informally settled at Siaton municipio, in favor of the children. Often these disputes, when brought to the municipio, are not formally taken to court but are informally settled by the mayor or the chief of police. 423 518

Land records in Siaton municipio usually are not changed when children or relatives inherit property. Sometimes the records remain in the heirs' parents' name "out of respect to their memories." There is also a 423 428

$2.50 fee connected with such title transfers; this discourages many heirs from making the title changes. Land records in the municipio are usually changed only when the land is sold and the title legally transferred.

The constant subdivision of land in the Philippines among heirs has been condemned as one reason for the small size of farms. The Hardie report recommends that the "inheritance law respecting succession to agricultural properties should be modified" in order to prevent "fragmentation of farm units through succession."[13] This recommendation would be more appealing if the report had suggested means for achieving such a drastic innovation. If a field is too small to be economically divided among the heirs, Caticugan barriofolk have a number of solutions. First, the land may be sold to another person and the receipts divided equally among all heirs. Second, one heir may purchase the land and the money divided equally among the remaining heirs. Third, fields may be rotated among the heirs. For example, four brothers in Naga inherited a small field from their father. Instead of dividing or selling the field one brother tills the land each year and receives all the harvest. The next year another brother farms the land and so forth until each has had his turn.

In Barrio Caticugan there were individual paddies that were owned by as many as ten heirs. In Naga eight

[13] Hardie, op. cit., p. x. Vide Pelzer, op. cit., p. 11.

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siblings owned one cornfield while seven owned still another field. It is for such reasons that the municipio land records do not accurately reflect the actual division of agricultural land in Caticugan. Usually such fields are listed under the names of parents or grandparents of the cultivators. Sometimes the land record merely states "Juan Cruz and heirs"; such fields are normally farmed under the arrangement described in the section on temporary division of fields. (See Pages 467-472.)

Fields are rotated sometimes while the actual owner is alive. In Barrio Caticugan a nephew was farming a small field owned by his childless aunt; he had agreed to work the field one year and the following year it would revert to his aunt. At the end of each harvest, however, the nephew made various excuses for breaking the agreement--"I shall work the field next year because this year's harvest was poor." His aunt never filed a formal complaint in Siaton municipio "because it is a small field and I do not want any trouble."

Movable Property

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Animals may be rotated among the heirs like the fields. If there are three heirs and only one carabao, the animal may be sold to a stranger or to one of the heirs, and proceeds divided equally among all of them. An heir may keep a male carabao for one year, then pass the animal along to the other heirs; the carabao is

rare. In fact, the only example that could be cited was when Lucas Ege died, his large dwelling in the poblacion was torn down and the timber and posts were distributed among his heirs. The average house in Caticugan would hardly be worth the trouble of disassembling it. 428

The customs of Caticugan illustrate the central concept of Philippine inheritance law--equal distribution among the heirs. Also illustrated are the complexities of the system as practiced in Caticugan. Some siblings attempt to inherit more than a rightful share; there occur devious arrangements to disinherit legal heirs, secret agreements, delayed division of property, inaccurate land records, and other methods of transferring property on death without legal safeguards. Under such conditions it is not surprising to find that much tension and conflict in the barrio center around land, usually involving both consanguine and affinal relatives.

TYPES OF LAND DISPUTES

Nearly 20 per cent (sixteen cases) of eighty-four civil and criminal suits analysed from the available court records of Siaton municipio resulted from illegal cultivation of another's land, boundary disputes, or attempts to obtain more than one's rightful inheritance.[14] The chief 423 578 685

[14] A court of the First Instance is located in Siaton poblacion; each month, on certain days, a judge comes to the municipio to reside over the court. There is a judge in residence in Tolong poblacion who hears cases for this municipality and Sta. Catalina.

of police and the mayor are often consulted informally and disputes are settled outside the court without formal record of the disagreement. The chief of police said that most informal settlements involved disputed land boundaries, unequal division of land among heirs or the value of shares. Equal division of the land by area often is not "equal" since some parcels are rockier or more fertile than others. Often the fields that border one's land belong to relatives and were once owned by common grandparents, parents or siblings.

Cadiane writes of land disputes he dealt with when serving as justice of the peace in Siaton from 1906-1914. For example, one case filed in his court in 1912 concerned the ownership of about 6[illegible] acres in Sitio Habay (Barrio Sandolot).

> Nearly 60 people claimed to own part of this land. I set a day for all the claimants to be at the land they claimed. I went to the land in question, on the last Saturday of August, 1912, at about 9 o'clock in the morning. When I reached Habay nearly 200 people had gathered there. I asked the people if their land in the barrio had been registered. All the people said no because they had to clear their land of big trees. They needed axes to cut the big casay trees that were abundant in this place. I asked the people how they happened to own the land they claimed. Most of the people said that they inherited the land from their parents and grandparents. I told them to divide the land equally among themselves and not to fight over their claims because if they did, I told them further, the government would confiscate their lands and distribute it to other people. I told them that the barrio lieutenants of Sandolot, Datag and Habay would be the ones to divide their land in question so each one would register their land. I advised them not to go against my decision because if they did, no land would be given to them. The land was divided and registered by each owner and the dispute was settled. There have been no disputes over this land in Habay until the present time.

Gadiane states that during the Spanish and early American periods many local disputes centered about the ownership of coconut or buri trees planted between the field boundaries--a type of dispute that is common today in Siaton. 423 578 685

The following excerpt from the life history of a middle-aged male resident of Naga illustrates vividly the troubles over land. This informant's problems, while not typical of every family, indicate the types of arguments in many families. Questions in () were asked by the writer during the interview. 423 578

> (Did you ever have any quarrels with your relatives?) Sometimes we would quarrel. (About what?) Boundaries of our land. One of my relatives removed the correct boundaries between our land. (What boundaries?) Like when one fixes a fence, one may move the new fence a little farther over on someone else's land.
>
> Some of my relatives moved his fence onto my land about a handspan every year. If I do not watch them hard a handspan of land is stolen from me every year. Like Domingo [his mother's brother's son] planted buri palms in the center of our field boundary. When the buris grew big he fenced the field. He put the fence on the outside of the buris instead of in the middle. [The point is as the palm trunks expand the fence would slowly move onto the informant's land]. So I told Domingo that his fence would have to pass through the middle of the buris but he said the buris are growing. But I said: 'Suppose the buris grow one fathom onto my land? You will take this land too?' (What did you do about it?) One time we brought the quarrel to the teniente de barrio and Domingo was advised to put the fence in the middle of the buris. He agreed to do this but when he repaired the fence he did not put the fence in the middle.
>
> One of my nephews, Antero (Your real nephew?)--no, he is my pagomangkon sa pagpagaowan because his mother is my first cousin. Well, Antero was plowing his field which is next to mine. He made a fence on part of my land. I told him not to plant anything near the fence because I was going to pull it up.

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People who are interested in cheating neighbors can gain by cheating this way. Like the older brother of Domingo [the informant's first cousin] whose land borders that of Escoy [a non-relative]. He [Mariano, Domingo's older brother] planted coconuts between the field of his and Escoy's. But Escoy does not visit his fields very often. He does not pay much attention to his boundaries. So Mariano put his fence so all the coconuts were on his side and made the fence out of tuba [a popular wood used to make fences for it grows easily when transplanted]. Escoy did not pay any attention to this. So everytime Mariano repaired his fence he put it so the coconuts were on his side. He also planted buri close to the fence. When they grew big, he built the fence so all the buris were inside the fence on his side. Until now Mariano has cheated Escoy out of almost a six foot strip of land.

(You did not finish your story about Antero, your first cousin.) Well, he did not move back his fence and it is still on my land. He did not plant anything there, however. (Why don't you move the fence back to its proper place?) Well, when the fence gets old I'm going to do that.

I fought with Mariano over a land quarrel. One time when Mariano was putting in posts for a fence he did not follow the boundaries exactly. Instead of following the boundaries he curved the fence a little to get some of my land. So I pulled up the posts and put them in the right place. He got mad so we fought. When I was fighting with Mariano he picked up a stone and hit me on the forehead near my eyelid. This matter was taken to the municipio. While we were in court Mariano tried to say this wound was caused by my falling. But the judge and the sanitary inspector said that type of wound could not be caused by falling but was due to a blow from a stone. So Mariano was sentenced to three day's work in the municipio. At this time Mariano was a man of the mayor and he whispered to the mayor at the trial. But the mayor just said: 'It is only three days, you just work it out.' If I don't watch my cousins they will cheat me out of some of my land.

When I was 10 years old--there were eight in my family--my mother quarreled with her brother and sister over land. One of my mother's brothers built a fence on part of my mother's land. I told my mother what Julio [the informant's maternal uncle] was doing. So my mother told Julio that the fence was on part of her land. Julio said: 'Never mind, it is only over a little on your side.' Julio's wife urged him to do this. She said: 'You try to get a

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little more land because we have plenty of children. This case was brought to the court and my mother was alone against her seven brothers and sisters. The case was not finished for a long time. (Who won?) My mother won the case.

My mother was the youngest in her family. During this time my mother's father was still living. My mother's brothers were already married, ahead of my mother. So my mother's father gave land to the married children. He said to his married children: 'I'm still alive and eating so I'll hold this piece of land myself. When I die you divide this land into two equal parts. One part goes to my daughter [informant's mother] and then you divide the other piece among yourselves.' When my mother's father died, the older brothers and sister did not want to give my mother any land.

(Do other people quarrel over land in Naga or Caticugan?) No, I'm the only one. Oh, I forgot, there is Day and Maria who are quarreling over land. (Tell me about this quarrel.) Day changed the boundaries of her land. (Who is Maria?) Day's husband is the first cousin of Maria's father. Maria's father had a brother and her father and his brother jointly owned a piece of land. Maria's father's brother sold his half of the land to Day. The other half belonged to his father. When this land was sold to Day it was divided equally and the boundaries established. When Day built a new fence she moved it over a little onto the land that belongs to Maria's father. When Maria found out she pulled up the posts and returned them to the correct boundary. She told Day to bring the matter to the court. But Day did not do this. Maria lives in Dangola. Everytime she visits her land she finds out the fence is not in the right place. So Maria has told the people she does not know why Day wants to cheat her out of her land when Day has no children. Maria offered to buy the land from Day but Day does not want to sell.

It is tiresome to have this type of person having land bordering your land. Good if I were the first one to build the fence. I would build it on the right boundary. These people who want to cheat you build the fence in the right place the first time. When they rebuild the fence they make it a little more over on your land. In three years, by this way, they can get enough land to plant coconuts.

Another woman explained, in her life history, the

of land disputes she knew about in Caticugan.

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middle-aged woman, born in the barrio, and respected by most of the people.

(Did your parents ever quarrel with their relatives over land?) No, just their offspring today. (What are the quarrels about?) The owner of land near our place is Juana, my father's sister's daughter. She had a clerk come from the municipio to measure her land. She wanted her land to extend into my land. So this is the question now. We do not want Juana to claim part of my land because it belonged to my father.

There is another case between Juana and Mang. The old declaration of Juana's land measured only 141 meters while Mang's measured 142 meters. Mang's declaration [land record] was old because it was made in 1914. Recently Juana claimed part of Mang's land because her 1951 declaration measured 280 meters. They have taken the quarrel to court.

Juana went to the chief of police to complain about a buri that was made into guhang by Mang. So the chief of police sent a policeman to measure the land to determine ownership of the buri. After measuring the land they found it was on Mang's land. So Juana lost this complaint. Not satisfied by the decision of the chief she complained to the judge. When the complaint was filed with the judge he called a preliminary trial between Juana and Mang. He asked Mang whether she could employ a lawyer; and she said no because the land rightfully belonged to her. I was sitting near Mang and whispered to her to ask the judge if Juana could also employ a lawyer. But Mang was shy and did not say anything. The judge urged Mang to have a lawyer because how could she answer his questions without one. If she could not answer his questions she would lose the case. So the case is still pending.

Clement, Mang's brother, cut some bamboo located on the land in question. So Juana again went to the judge. She asked him if she had lost the case because Clement cut bamboo without her permission. The judge said no and that he would subpoena Clement and Mang to come on October 31. But the subpoena was made out wrong because the judge came October 30. So the case is still pending. Juana has told others she would not talk to the judge because she had paid the chief of police ₱14 to talk for her; it will be he who will face the judge. Mang says if she is defeated she will see the Public Defender in Dumaguete.

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(When you were a young girl were land disputes taken to the municipio or the teniente de barrio?" Before the sulang old people were good because whenever they had a controversy over land they settled it by themselves--but today it is very different. I do not remember my parents ever making trouble regarding land boundaries. (What about your relatives when you were a young girl?) They never quarreled about land that I can remember. (In the old days were there many quarrels over land?) Before, in the old days, there was little land trouble but today there is much. After the war when people received money from war damage, land troubles flared up because they had money to spend for the court. Juana said: 'I have money for the expenses of my case.' She got $400 from the war damage committee according to others.

There are a number of reasons for the apparent increase of land disputes in contemporary Caticugan. During the Spanish period, Cadiane states, fewer arguments occurred over ownership of fields per se (in comparison with the present); however, many quarrels developed regarding correct field boundaries. Once more land was available to the barriofolk and fewer people lived in the locality. Parental authority was stronger in the past; children denied this authority less frequently than they do today. Increased mobility of the people, however, has brought many disputes to the poblacion court that once were settled by barrio lieutenants in the rural communities. Today few barriofolk have more land than they need to feed their families and there is little land for sale--even if one has the money to buy it. The real importance of land is not its sale value but its food-producing capacity.

One type of land conflict that frequently occurred in the past and seems to be the major source of contention today is quarrels over correct field boundaries. Field boundaries are usually marked with rickety bamboo fences, bamboo or

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banana clumps, coconut or buri palms--all relatively impermanent. No surveys have been made so no accurate records of boundaries exist in the municipio. Since land is rarely sold, boundary disputes often involve such quarrels.

TENANCY ARRANGEMENTS: LOWLAND

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Under the common paddy tenancy arrangement in Caticugan the tenant furnishes the work animal and farm implements, pays all costs of transplanting and cultivating while the landlord furnishes the seed and shares harvest expenses equally with his tenant. The net produce of the paddy is divided 50-50. In some tenancy arrangements, the tenant furnishes the carabao and the plow, the landlord the seed; both share equally all costs of production and divide the net produce 50-50. A few tenants furnish everything--animal, plow, seeds--and pay production costs except for the harvest which the landlord shares equally; the tenant receives 66-2/3 per cent of the net harvest. If this arrangement is reversed the tenant receives the smaller harvest share.

The Philippine Rice Tenancy Act (first passed in 1933 and amended in 1946) defines the legal relation of tenant and landlord. According to this Act, if a tenant furnishes the work animal and farm implements, the landlord the seeds, and both share equally the costs of transplanting and cultivation, the net harvest is to be divided 45-55 in favor of the tenant.[15] According to the Act, expenses of harvesting and threshing are to be deducted from the

[15] A personal letter to the writer from Mr. Deogracias E. Lerma, Chief, Tenancy Division, Court of Industrial Relations, Department of Justice, Manila, September 18, 1951.

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In Tanjay fish corrals are built in March and April and last until the northeast monsoon in November. In October, 1950, the fish corrals in this area were destroyed by early northeast winds. Sometimes, the people said, fish corrals are damaged even earlier by an east wind that they call timog.

The northeast monsoon destroys most of the fish corrals along Negros' eastern coast and fish supplies move from southern Negros to Dumaguete; during the southwest monsoon this situation is reversed. Little fresh fish, however, is brought to Siaton from Dumaguete for sale during the rainy season.

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Older informants in Siaton said that once the most common type of fish corral was the Binatural; today's bonsod did not exist. A Binatural was built off Barrio Mantuyop in 1950 but, for the most part, this type is no longer used in Siaton. The fish catch, in the Binatural, was driven into the "last pocket" or section where it was scooped out with small hand nets (salok). One informant explained this type of fish corral "was very expensive to build and hard to catch the fish inside." This may partially explain why the Binatural is rarely built.

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Siaton municipality's coastline is divided into three zones according to the abundance of fish normally caught in bonsods. The first class bonsod zone is from the Zamboanguita-Siaton municipality boundaries to Barrio Sumalaring "in front of the residence of Mr. ---- and the pandan tree." This zone is a most desirable location because

of the protection afforded by an extension of land east of Malabuhan. Fish corrals can be built earlier here than in the other zones. The second class zone extends from Barrio Sumalaring to Salag Point; the third class zone continues from Salag Point to Siaton-Sta. Catalina municipality boundaries.

In 1951 public auctions were held for the first time for bonsod sites in these three zones. However, the auction was due less to raise funds than to political maneuvering among municipal officials. The auction was held in order to permit one person to obtain the most desirable sites, previously held by an individual then out of favor with local politicians. No auctions were held in 1952 or 1953.

When no auctions are held, an operator in a first class bonsod zone pays Siaton municipal government $50 annually; second class bonsod zone, $35; third class bonsod zone, $23. An additional license is necessary according to the depths in which the bonsod is constructed; Table ~~XXXI~~ 1 lists these fees.

1 [See p. 579, cat. 228 or 116 -- Analyst]